LAW AND CUSTOM

671 Among the moutaineers the rights and duties of each individual and penalties for offences were regulated in detail by an unwritten body of rules (adat), which remained largely unchanged among the Christian Kartvelians, and which never quite yielded to
628 Muslim law (shariate). Among the North Caucasians, a killing - whether deliberate or accidental -- resulted in a blood feud, which could last for generations. The revenge had to be carried out by a close male relative, usually a brother or son. Friends of the blood-guilty could try to arrange a peace, and the injured family could then accept a "blood-price," which varied according to the social rank of the victim.
[608] Also, the milk-relationship was considered so sacred that its establishment could end a feud. Thus among the Circassians a person guilty of blood could kidnap a young child from the injured family and bring it up; he thus became the child's atalyk and a milk-relationship was established between him and the family.

Besides manslaughter, blood feuds also resulted from abduction of married women, adultery, and from certain grave insults, e. g. throwing out of the house the kettle that was suspended over the hearth; among the Tush, who were seminomadic pastoralists, also from cattle-stealing.

• 681 For less serious injuries the adat prescribed in detail compensations in kind. E. g.

[Cf. cat. 116, pp. 527-528 -- Analyst]

681 among the Khevsur, the loss of an arm or leg was valued at twenty-four cows, that of a finger, from five cows for the thumb down to one cow for the little finger. Face wounds were measured with grains of wheat, and the fine calculated accordingly. Theft (usually involving horses or cattle) inside one's own community was punished by the obligation to repay the value of the stolen property several times over, or to pay an indemnity to the ruling prince. Stealing from other groups was regarded as an accomplishment rather than a crime, and a young man who had never managed to steal a horse would not easily find a wife.

695 Justice was administered by community courts in which the oldest sat in judgment, or by specially elected mediators (Georg. shuak'atsi) who had the confidence of both plaintiff and defendant, and whose decision was always accepted as final. Witnesses were called and oaths were taken upon sacred objects (in the N. W. Caucasus, often a blacksmith's anvil, later replaced by the Koran), or in the name of ancestors, sanctuaries, etc. In difficult cases, various types of ordeals were resorted to.

577 As characteristic traits of a more general nature in Caucasian life, hospitality, respect for superior age, and--especially among the mountaineers--susceptibility to offence and vengefulness must be mentioned.

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171 (14) Then there is the fact that *a woman constitutes an asylum* for any murderer,[27] a fact found among the North Caucasians as well as among the Asiatic nomads.

(15) The *adats regarding divorce,*[28]

(16) the *penalties for sexual offenses,*[29]

(17) the *division of labour,*[30] allowing men plenty of time for loafing, sport, and raids,

(18) and many other *adats which place the female sex at a great disadvantage*[31] remind us very much of a pastoral society.

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614 (19) Then, of course, there are the many other features of the North Caucasian marriage and family *adats* which we have been able only to touch upon rather superficially, for they refer to the joint-family and kinship in general rather than to the biological family. The North Caucasian society, for example, has had till recently a *patriarchal joint-family organization*[32] very similar to that found among pastoral nomads. Just as among the Indo-Europeans and the Turco-Mongols the central interest of the North Caucasian has been, and in places still is, the joint-family. According to the *adats,* the individual family, till it becomes independent, plays a very subordinate part in society. The tribe and state mean but little. Crimes, criminals, and penalties in the strict sense of the word are of very recent origin : any damage done to the sib (not so much to any individual !), whether accidental or intentional, are the only form
● [581] of "crime" found in the *adats.* The reparation of the damages made by the "offending" sib (not the individual who inflicted the harm) corresponds to our
[428] concept of penalty. We have also said very little about the *inheritance rights* of the mountaineers of North Caucasia, for to speak of inheritance without first describing the joint-family and kinship *adats* would be impossible. It seems that originally, just as is the case in pastoral nomadic societies, the rights were restricted to the male children with special privileges reserved for the first-born
[608] son. Finally, there is hardly another place in the world where *blood-feuds* are so common as in the Caucasus ; and, we know, pastoral nomadic peoples have always been fond of settling their quarrels in this particular manner, more so than any other people. In a word, we are dealing with a "pastoral nomadic" marriage and family when we deal with North Caucasian marriage and family *adats.*

171 We must however, keep in mind that there are different zones of intensity of nomadic traits : in North Caucasia the most pastoral nomadic in character are the marriage and family of the Cherkess ; then perhaps follow those of the Abkhaz, then the Chechens, and finally the Lesghians. The Ossetine *adats* are perhaps even more typically pastoral nomadic than those of the Cherkess. The Kumykian and Nogain *adats,* as well as those of other Turco-Mongols of North Caucasus,

[27] *Supra,* pp. 159 f.
[28] *Supra,* pp. 132—137.
[29] *Supra,* pp. 168—179, 182.
[30] *Supra,* pp. 156—159.
[31] *Supra,* pp. 152—156.
[32] *Supra,* pp. 44 f.